

Court of Appeals, State of Michigan

ORDER

Robert Babur Basat v Department of Corrections

Docket No. 282091

LC No. 07-002737-AH

Pat M. Donofrio
Presiding Judge

Deborah A. Servitto

Jane M. Beckering
Judges

The Court, acting under MCR 7.203(F)(2), orders that the motion for reconsideration is DENIED since the circuit court acquired jurisdiction over plaintiff when the district court filed the return on May 5, 2003, which was not affected by the purportedly void information. *People v McGee*, 258 Mich App 683, 696; 672 NW2d 191 (2003). See also *People v McGhee*, 268 Mich App 600, 628-629; 709 NW2d 595 (2005) (trial on void information harmless error). Moreover, an arraignment is a procedural right, *People v Phillips*, 383 Mich 464, 470; 175 NW2d 740 (1970), and the resulting verdict cannot be set aside for any procedural error unless it caused a miscarriage of justice, MCL 769.26. Plaintiff should have raised all these issues on appeal, not with a complaint for a writ of habeas corpus, which he mislabeled as a complaint for a writ of mandamus. *Moses v Department of Corrections*, 274 Mich App 486; 736 NW2d 269 (2007).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

FEB 29 2008

Date

Sandra Schultz Mengel
Chief Clerk